IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 7417 of 2004

Between:

1 Biradavolu Ramamma W/o Ramana Reddy
R/o Vutukuri Village Vidavalur Mandal, Nellore District)
2 Biradavolu Subba Reddy S/o Ramana Reddy
R/o Vutukuri Village Vidavalur Mandal, Nellore District)
3 Biradavolu Venkureddy S/o Ramana Reddy
R/o Vutukuri Village Vidavalur Mandal, Nellore District)

..... PETITIONERS

AND

1 District Collector/Chairman, District Pollution Control Board, Nellore
2 Mandal Revenue Officer, Vidavalur Mandal Nellore District
3 Kumeni Bhaskariah S/o Ramakrishnaiah
R/o Vutukur Village, Vidavalur Mandal, Nellore District
4 Kumari Mallikarjuna D/o ramakrishna
R/o Vutukur Village, Vidavalur Mandal, Nellore District
5 Kanupatri Nagendra, S/o Laxmi Ranthaiah

R/o Vutukur Village, Vidavalur Mandal, Nellore District

6 Pallepu Venkatesesiah S/o Sudrashanam
R/o Vutukur Village, Vidavalur Mandal, Nellore District

7 Chejerla Venkaiah S/o Yallamandaiah
R/o Vutukur Village, Vidavalur Mandal, Nellore District

8 Gundapu Krishnamurthy S/o Vengopal
R/o Vutukur Village, Vidavalur Mandal, Nellore District

9 Siva Reddy Sudhakar Reddy S/o Rangareddy
R/o Vutukur Village, Vidavalur Mandal, Nellore District

10 Kavali Nagendra Reddy S/o Raghava Reddy
R/o Vutukur Village, Vidavalur Mandal, Nellore District

11 Pallepu Satyavathamma, W/o Rajaiah
R/o Vutukur Village, Vidavalur Mandal, Nellore District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ, order or direction more particularly in the nature of Writ of Mandamus, declaring the inaction on the part of the respondents 1 and 2 in not taking any action against respondents 3 to 11, who are unauthoridely making efforts to convert the lands situated in S.O. 60-663, 662, 675, 678, 647A, 649C, 654 B, 665, 649B, 649-G, 676, 678A, 675-C, 663-C, 625A 676, 677-1 situated in Vutukuru Village, Nellore district for aqua culture in spite of the Legal notices dt 6-2-2004 issued by the petitioners as illegal, arbitrary and unjust.

Counsel for the Petitioners : MR.M.V.S.SURESH KUMAR

Counsel for the respondent No.1: MR. S.V. BHATT.

Counsel for the Respondent No.2: GP FOR REVENUE

Counsel for the respondent Nos. 3 to 11: None appeared.

The Court made the following :

ORAL ORDER:

(per Hon'ble The Chief Justice)

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1. Learned Government Pleader for Revenue, appearing for respondent No.2, states that as per his instructions respondents 3 to 11 have not indulged in aqua culture in their lands situated in Konerugunta in Vutukuru village, Nellore. Petitioners are owners of lands in an extent of Ac.16.20 cents and the lands of respondents 3 to 11 are located nearby to the lands of the petitioners. The apprehension of the petitioners is that respondents 3 to 11 are planning to commence aqua culture without permission.

2. Writ petition has been filed on mere apprehension. But before filing writ petition, a notice was also served upon respondents 1 and 2 to ensure that no aqua culture activities are undertaken by respondents 3 to 11 without prior consent or approval. Therefore, we will dispose of this writ petition with direction to respondents 1 and 2 to ensure that no aqua culture activity is permitted to be carried out by respondents 3 to 11 on their lands or

any part thereof unless there is a valid approval/consent with them. Ordered accordingly. No costs.

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DEVINDER GUPTA. C.J.,

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M. NARAYANA REDDY. J.,

Dated: 16.12.2004.

VRK.

To

1 The District Collector/Chairman, District Pollution Control Board, Nellore
2 The Mandal Revenue Officer, Vidavalur Mandal, Nellore District
3. Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OU).

4. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE M. NARAYANA REDDY.

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W.P.NO. 7417 OF 2004.

(Order of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 16.12.2004.